



**BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**  
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## **MINUTES OF THE MEETING OF THE BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**

**September 24, 2004**

**2535 Capitol Oaks Drive  
Sacramento, CA 95833-2926**

### **1. CALL MEETING TO ORDER**

Craig Copelan, President, called the meeting to order at 9:30 am.

### **2. ROLL CALL TO ESTABLISH QUORUM**

Craig A. Copelan, President  
Robert A. Matthews, Ph.D., Vice President  
William E. Black  
Jeffrey Schmidt

Others in attendance:

Paul Sweeney, Executive Officer  
George Dunfield, Enforcement Manager  
Gary Duke, Legal Counsel, Department of Consumer Affairs (DCA)  
Tracy Montez, DCA's Office of Examination Resources (OER)  
Nancy Hall, Deputy Director, Board Relations, DCA  
Tony Sawyer, Chair, Technical Advisory Committee (TAC)  
Jonathan Kuespert, Legislative Committee Member  
Bill Short, California Geological Survey  
Clint Dalton, Center for Public Interest Law (CPIL)  
Rick Rempel, Rempel Consulting Inc.  
Seena Hoose, TAC  
Josh Feffer, Enforcement Oversight Committee  
Dave Parson, North Coast RWQCB  
John Parrish, State Mining and Geology Board  
George "YG" Gentry, Board of Forestry and Fire Protection  
Kris Vyverberg, Department of Fish and Game

### **3. Public Comment on non-agenda items**

*The Mission of the Board for Geologists and Geophysicists is to Continuously Enhance the Quality, Significance, and Availability of Geological and Geophysical Services Offered to the People of California*

No comments from the public were received.

**4. APPROVAL OF THE MINUTES OF THE BOARD MEETING OF APRIL 24, 2004 BOARD MEETING.**

Dr. Matthews moved to approve the minutes of the open and closed sessions of the April 23, 2004, meeting.

Mr. Black seconded.

The motion passed unanimously.

**6. CONSIDERATION OF LICENSE REINSTATEMENT ISSUES AND SECTION 7847 OF THE GEOLOGIST AND GEOPHYSICIST ACT ISSUES**

A discussion on the consistency of the Board's approach to cooperative licensure agreements with other State's and the entire issue of license reinstatements took place.

**Dr. Matthews moved to utilize section 7847 on a case by case basis and to require all applicants for licensure in California to meet all legal requirements.**

**Mr. Black seconded.**

**The motion passed unanimously.**

**7. LEGISLATIVE COMMITTEE REPORT**

Executive Officer Paul Sweeney informed the Board that SB 1914 (Figueroa) may be signed by the Governor next week (late September). This would create the new Geologist-in-Training category and change the name of Registered Geologists to Professional Geologists.

**8. SUNSET REVIEW REPORT AND TENTATIVE HEARINGS IN DECEMBER, 2004.**

Board staff submitted the Board's Sunset Review report to the Joint Committee on Boards, Commissions and Consumer Protection in late August, meeting the Committee's submittal deadline of September 1. Discussions between the Board's Executive Officer and David Link of the Committee and Nancy Hall of the Board Relations office within the

Department of Consumer Affairs have been positive and constructive. Mr. Link has indicated that the Sunset Hearings should take place in December of this year.

**9. DISCUSSION OF THE UPCOMING NATIONAL ASSOCIATION OF STATE BOARDS OF GEOLOGY'S ANNUAL MEETING IN BOISE, IDAHO.**

The Board briefly discussed who was going to represent California at the Annual Meeting for the national Association of State Boards of Geology in Boise, Idaho during the week of November 3-7, 2004.

**Dr. Matthews moved to select Board President Craig Copelan to represent the California Board at the Annual ASBOG meeting.**

**Mr. Black seconded.**

**The motion passed unanimously.**

**10. UPDATE ON PROPOSED REGULATIONS**

Mr. Sweeney reported that the publication of the text of the proposed fee increase regulations and the beginning of the comment period for these regulations was published in the Office of Administrative Law's Notice Register today (9/24/04). The comment period will close on November 12, 2004, the same date as the Public Hearing.

**11. UPDATE ON FOREST PRACTICE ISSUES**

Mr. Gentry, Executive Officer of the Board of Forestry and Fire Protection, Ms. Vyverberg, of the Department of Fish and Game, Mr. Parson, of the North Coast Regional Water Quality Control Board, Mr. Parrish, of the State Mining and Geology Board, and Mr. Short of the California Geological Survey all presented comments to the Board on the practice of geology in relation to forest practice issues. After significant discussion, the Board referred the issue to its Technical Advisory Committee, specifically to make a recommendation to the Board as to whether or not certain documents, specifically Chapter X of the Upslope Assessment and Restoration Practices portion of the Department of Fish and Game's Salmonid Habitat Restoration documentation involves the licensed practice of geology.

**Dr. Matthews moved to have the Technical Advisory Committee determine whether or not some of the forest practice documentation that has been submitted to Board staff constitutes the practice of**

**geology and to present a recommendation to the Board about possible actions.**

**Mr. Black seconded.**

**The motion passed unanimously.**

## **12. EXAMINATION COMMITTEE REPORT**

Mr. Sweeney spoke about the continuing efforts to prepare for the Board's next round of licensing examinations that are scheduled for March 4, 2005.

The deadline for applications for the Registered Geologist, Registered Geophysicist, Certified Hydrogeologist and Certified Engineering Geologist is November 24, 2004.

## **13. TECHNICAL ADVISORY COMMITTEE REPORT**

Tony Sawyer, Chair of the TAC has a meeting scheduled for Friday, October 29, 2004. There will be a group discussion as to the practice of geology in relation to forest practice as well as informational guides to be presented to the Board for potential display on the Board's website that better defined the licensed versus unlicensed practice of geology in groundwater contamination cases, landslides, and other geologic issues.

## **14. EXECUTIVE OFFICER'S REPORT**

Mr. Sweeney stated that the Board made it through the fiscal year 2003-04 with an approximately \$500,000 reserve.

Mr. Dunfield reported the following enforcement datum and actions:

- 5 New cases opened;
- 5 Cases referred to technical experts;
- 3 Citation and Fine Orders issued;
- 4 Cases proceeding with the Office of the Attorney General (AG);
- 2 Joint Board and Board for Professional Engineers and Land Surveyors (BPELS) Investigations; and
- 6 Cases closed.

The Board for Geologists and Geophysicists (Board) issued a citations and fines of \$2,500 each to Glenn Stillman and Michael Kesler (licensed

Mechanical Engineer, M 29844, February 9, 1996 and licensed Civil Engineer, C 65732, June 27, 2003) for violation of section 7872(a) [Bus. & Prof. Code §7872(a), practice of geology without legal authority] of the Business and Professions Code. The citations were issued to Mssrs. Glenn Stillman Michael Kesler for unlicensed practice of environmental geology for signing reports making environmental geologic interpretations.

Worked cooperatively with the California Department of Fish and Game regarding the contracting out of professional-level geologic services; conducted a preliminary meeting with Helen Birss, Program Manager for the Fisheries Restoration Grant Program at the Department of Fish and Game, on August 19, 2004 and set a scoping meeting to identify areas of contracted work consisting of the professional practice of geology requiring licensure; meeting scheduled for September 28, 2004 with Kris Vyverberg, CEG. Updated the Boards Enforcement webpage link into "Administrative Action" and "Disciplinary Action" subsections in accordance with the Board's direction. Prepared draft enforcement datum for the Sunset Review Committee report. Amended SB 1914 as directed to include Professional Geologist (PG) and Geologist in Training (GIT) language. Received County of Santa Barbara Public Works Department letter of appreciation for enforcement action 01-2002-07, dated July 19, 2004.

Mr. Dunfield represented the Board at the June 29, 2004 Legal Affairs Division Board/Bureau Meeting in which the Department of Justice (DOJ) charge increases were announced (e.g., Administrative Law Judges cost increased to \$169/hr). The Temporary Restraining Order issued to Tony Jaramillo was made a Permanent Restraining Order on July 9, 2004. An Accusation was filed on June 30, 2004 against a Registered Geologist No. 6295, Certified Hydrogeologist No. 502 and Certified Engineering Geologist No. 2118 and a Registered Geologist No. 4104 and Certified Engineering Geologist No. 1281 requesting license suspensions(s) and/or revocation(s). Superior Court Case No. 02CC17018 (Odencrantz v. California Board for Geologists; et al.) appeal by Dr. Odencrantz of defense cost recovery Motion by the Board. Attorney General's (AG's) reported staff shortages that will delay case processing times.

## **15. LEGAL REPORT**

Board Legal Counsel Gary Duke gave an update on events from the Department of Consumer Affairs Legal Office, including the permanent selection of Ms. Doreathea Johnson as the Chief Counsel for the Department.

## **16. CLOSED SESSION**

The Board went into closed session to discuss an examination issue and to discuss Executive Officer Paul Sweeney's annual performance

evaluation.

**17. REPORT ON RESULTS OF CLOSED SESSION**

The Board made a decision on an examination issue and evaluated Mr. Sweeney's performance.

**18. ANNOUNCEMENTS**

No announcements were made.

**19. ESTABLISH AGENDA FOR NOVEMBER 12, 2004 BOARD MEETING**

**20. ADJOURN MEETING**

Craig Copelan adjourned the meeting at 2:30 PM.

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**CRAIG A. COPELAN, P.E., BOARD PRESIDENT**

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**Paul Sweeney, BOARD EXECUTIVE OFFICER**

**Date Approved:**